



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship  
are as stated below next to my name.

I believe I am the original, first and sole inventor  
of the subject matter which is claimed and for which a patent  
is sought on the invention entitled MEMBRANE-BOUND CYTOKINE  
COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE  
USING SAME, the specification of which was filed on  
July 29, 1997, as Application Serial No. 08/902,516, Attorney  
Docket No. P-IM 2442.

I hereby state that I have reviewed and understand  
the contents of the above-identified specification, including  
the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which  
is material to the examination of this application in  
accordance with Title 37, Code of Federal Regulations, Sec.  
1.56(a).

I hereby declare that all statements made herein of  
my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further  
that these statements were made with the knowledge that  
willful false statements and the like so made are punishable  
by fine or imprisonment, or both, under Section 1001 of Title  
18 of the United States Code and that such willful false  
statements may jeopardize the validity of the application or  
any patent issued thereon.

*Signature*  
7-18-98

Inventor: William Soo Hoo  
Serial No.: 08/902,516  
Filed: July 29, 1997  
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I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

CATHRYN CAMPBELL, Registration No. 31,815; SUSAN M. PERKINS, Registration No. 36,405; RICHARD J. IMBRA, Registration No. 37,643; PAUL C. STEINHARDT, Registration No. 30,806; GREGORY R. HOOK, Registration No. 38,701; DAVID SPOLTER, Registration No. 36,933; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ROBERT T. RAMOS, Registration No. 37,915; CHARLENE A. LAUNER, Registration No. 33,035; and ANDREA L. GASHLER, Registration No. 41,029. Direct all telephone calls to Cathryn Campbell at telephone no. (619) 535-9001.

Address all correspondence to:

CATHRYN CAMPBELL  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
Suite 700  
San Diego, California 92122

Full name of inventor: William Soo Hoo

Inventor's signature: 

Date: 10-28-97

Residence: Carlsbad, California

Citizenship: United States of America

Post Office Address: 6619 Curlew Terrace  
Carlsbad, California 92009

Docket No. P-IM 2442

Applicants or Patentees: William Soo Hoo

Serial or Patent No.: 08/902,516

Filed or Issued: July 29, 1997

For: MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))

SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: The Immune Response Corporation  
ADDRESS OF SMALL BUSINESS CONCERN: 5935 Darwin Court  
Carlsbad, California 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME, by inventor William Soo Hoo, as described in application serial no. 08/902,516.

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Dennis J. Carlo, Ph.D.  
TITLE IN ORGANIZATION: President, Chief Executive Officer

ADDRESS OF PERSON SIGNING: 5935 Darwin Court  
Carlsbad, CA 92008

SIGNATURE: 

DATE: December 9, 1997